

**REMARKS**

Applicant acknowledges the First Action of 1 MAR. 2005 and requests reconsideration of the application, as amended.

Responsive to Paragraph 2 of the Action, revised FIGS. 1-2 bearing captions "PRIOR ART" are submitted herewith.

Responsive to Paragraphs 3-4 of the Action, claims 5 and 13-16 have been revised for proper antecedent basis of several terms.

**DOUBLE-PATENTING REJECTION**

Responsive to Paragraph 6 of the Action, submitted herewith are a Terminal Disclaimer and section 3.73 statement, which overcome the double-patenting rejection with respect to HEUER USP 6,236,660, parent application of the present continuation application.

**ART REJECTION-SECTION 102**

Responsive to Paragraph 8 of the Action, main apparatus claim 13 has been amended to specify that the SDH network is "as defined by the International Telecommunications Union" as referenced at specification page 1, line 24. Although the Office has alleged that the DOBBINS system is "synchronous," DOBBINS is directed to a variety of protocols listed from col. 2, line 64, through col. 3, line 3. It is clear that not all of these fall within the SDH definition.

More fundamentally, contrary to the Office's contention, DOBBINS makes no mention whatsoever of "logical virtual connections" as recited in the claim and as defined in the ITU's SDH standard.

Col. 7, lines 55-67, make clear that the DOBBINS look-up table 20 finds a "next hop" and a "best route to the destination network address" rather than teaching a "virtual connection" which would allow a packet to zip through intermediate network elements without unpacking and repacking at each "hop." See specification page 5, line 15, and page 7, lines 13-22.

Clearly, if DOBBINS does not use virtual connections, his selection means cannot pick among several alternative virtual connections, as a transport means for the next packet.

DOBBINS clearly fails to anticipate claim 13, as amended.

#### ART REJECTION--SECTION 103

Method claims 1-5 were rejected, as allegedly made obvious by a combination of the DOBBINS forwarding engine (allegedly synchronous) with the KAWASAKI Asynchronous Transfer Mode (ATM) cell transfer control method. Proposing to combine synchronous and asynchronous devices is mixing apples with oranges. It is not an approach which those skilled in the art would consider viable, much less obvious.

Unlike DOBBINS, KAWASAKI does use the word "virtual" but this is in the context of "virtual path" and "virtual channel" (see col. 2, line 25; col. 3, line 67; and col. 6, line 52, and he does not talk about "virtual connection" as it is defined in the ITU's SDH standard.

ATM cells (typically 53 bytes) are considerably smaller than IP (Internet Protocol) packets (typically 810 bytes) and are not multiplexed in accordance with a multiplex hierarchy. See NEWTON'S TELECOM DICTIONARY, 16<sup>th</sup> Edition (2000), pp. 782 and 820-821. Contrary to the suggestion on page 11 of the Office Action, KAWASAKI does not teach packing packets into transport modules. Rather, KAWASAKI is concerned with adjusting when to transmit individual ATM cells. Thus, KAWASAKI fails to suggest the feature which Office Action page 10, last paragraph, concedes is missing from DOBBINS.

Furthermore, as already pointed out, it would not be logical to try to combine an asynchronous system with a synchronous system.

The section 103 rejection of claims 1-5 should be reconsidered and withdrawn.

Paragraph 11 indicates that claim 6 would be allowable if rewritten in independent form. In order to expedite prosecution, this has been done; claim 6 and its dependent claims are in condition for allowance.

Responsive to Paragraph 12, claims 15-16 have been amended for greater clarity. Reconsideration is solicited.

Responsive to Paragraph 13, ACHARYA (USP 5,951,649) is another ATM transport system, and fails to suggest the synchronous transmission system recited in the present claims.

**Conclusion**

In view of the foregoing amendments and comments, it is respectfully submitted that claims 1-16 are allowable.

If the Examiner detects any remaining informalities which need to be corrected to place the application in condition for allowance, a telephone call to Applicant's counsel is invited.

Respectfully submitted,

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Enclosures:

Proposed Drawing Correction to FIGS. 1-2  
Terminal Disclaimer  
Section 3.73 statement & Recordation Notice  
Newton's Telecom Dictionary, title page; pp. 782, 820-821  
Petition for 3-Mo. Extension of Time  
Authorization to Charge Deposit Account 23-0442

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